



South Carolina House of Representatives

Legislative Update

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Robert J. Sheheen, Speaker of the House

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STATE DOCUMENTS

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OFFICE OF RESEARCH

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House Week in Review

The House of Representatives got to work quickly as the 109th General Assembly convened last Tuesday. A new House Speaker Pro Tempore, State Rep. David Beasley, D-Darlington, was elected to replace former State Rep. John I. Rogers III, who resigned. Beasley's election as speaker pro tempore necessitated the election of a new chairman of the House Education and Public Works Committee. This chairmanship went to State Rep. Olin Phillips, D-Cherokee.

House members also attended the inauguration of Gov. Carroll Campbell on Wednesday.

On opening day, 153 prefiled House bills were read across the desk and assigned to standing committees. An additional 50 bills were read across the desk during the first week.

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Bills Introduced

The following bills have been introduced in the House. Some of the bills were introduced during the two December prefiling days; some were introduced during the first week of the session. The bills are arranged according to the standing committee to which they were referred.

Agriculture, Natural Resources & Environmental Issues

Barnwell Extension (H.3003, Rep. Wilder). This legislation would extend the deadline on the acceptance of low level radioactive waste at the Barnwell Regional Disposal Facility from Dec. 31, 1992 to Dec. 31, 1994. Under the current law, the disposal facility could not accept more than 8.4 million cubic feet of low level radioactive waste from Jan. 1 1986 to Dec. 31, 1992. These deadlines also apply to the disposal of out of region nuclear waste at the facility.

Dolphins and Whales (H.3027, Rep. Harvin). This legislation is a repeat of a bill introduced, but not enacted last session, which prohibits the capture or removal of dolphins and whales from the waters of South Carolina.

Phosphorus Cleaning Agents (H.3081, Rep. M.O. Alexander) An issue that has been before the General Assembly for the past few sessions, this bill would prohibit the use, sale or distribution of any cleaning agent that contains more than 0 percent phosphorus by weight. The exception would be products containing not more than 8.7 percent phosphorus that are use as dishwashing detergent and products excluded from the limitation by DHEC regulation because there is no adequate substitute or would create a significant hardship on the users. The legislation would not pertain to cleaning agents used in particular circumstances outlined in the bill, such as dairy, beverage or food processing, used as industrial sanitizers or used in hospitals or health care facilities, or commercial laundries. Products manufactured for sale outside the state, or use in laboratories, for cleaning hard surfaces or as water softening chemicals also would be exempted, under this legislation.

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Hazardous Chemical Right to Know Act (H.3089, Rep. T. Rogers). This legislation would address an employee's and the community's right to know what hazardous chemicals are being used, stored or manufactured in their place of employment or community. The bill would require all employers who manufacture, process, use, store or produce hazardous chemicals to keep an up-to-date list of what hazardous chemicals they have on the premises. The list would include the identity, quantity and location of the hazardous chemicals involved. Chemical manufacturers would be required to provide material data safety information, and labels must be on all hazardous chemical containers. Fire inspection provisions are included in the legislation.

The bill has provisions on chemicals that are regarded as trade secrets, and how information about them is to be handled under normal circumstances and in cases of emergency.

Under this legislation, a citizen may request in writing a list of the chemicals used or stored at a facility. The request must include the name and address of the person making the request and the reason for the request. The facility employer must furnish at a minimum all the chemicals included on the hazardous chemicals list. If a chemical is withheld, the employer must note this, and provide the material data safety information on the chemical if it is requested. The bill includes what action will be taken by the Commissioner of Labor if the employer fails to provide the information.

Local Governments and Smoking Ordinances (H.3152, Rep. Hayes). This legislation would allow county or municipal governments, by ordinance, to prohibit smoking in specified public or private indoor areas of its governmental buildings which are allowed under the state law.

Toxics Use Reduction Act (H.3153, Rep. McElveen). The lengthy bill would encourage the reduction of toxic waste generated in the state and prohibit state agencies from adopting any plan or policy that would be less protective of the environment than is required under any federal law, plan or policy.

Much of the bill is devoted to the Toxics Use Reduction Act. These provisions outline how this statewide policy would be implemented, and how they would reach the goal of reducing the toxic waste generated in the state by 50 percent by the year 1999.

Established under this act would be the Administrative Council on toxics use reduction, consisting of nine members including the governor; a 15-member Advisory Board, which would include the State Attorney General; the Toxics Use Reduction Institute at USC, a 19-member Science Advisory Board, and an Office of Toxics Use Reduction Assistance and Technology within DHEC.

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A report would be published annually outlining the goals of all reduction plans submitted by toxics users. The bill outlines how information would be gathered on toxic and hazardous substances within the state, and the policies formulated to meet the reduction requirements.

Freshwater Wetlands Protection Act (H.3094, Rep. Rogers). This legislation, aimed at protecting and conserving the state's freshwater wetlands, outlines the steps the state must follow to achieve this goal. Among the proposed policies are an interim goal of no overall net loss of the state's remaining wetland base and the long term goal of increasing the quantity and quality of the wetland resources base. In order to achieve this, the remaining wetlands base must be defined in terms of acreage and wetland function. In order to achieve these goals, the following initiatives would be undertaken:

- All state and local agencies would adopt the state's "no net loss" goal for all their wetland activities.
- Land-holding state and local agencies with the assistance of natural resource agencies would identify wetlands and development management plans to protect them.
- The General Assembly would develop and implement enabling legislation granting real estate tax incentives for landowners protecting wetlands.
- A detailed Wetlands Conservation Action Plan would be undertaken which identifies and protects the most significant wetlands resources and systems in the state. This plan would help developers identify areas to be protected, target wetlands for purchase by state agencies and land trusts, encourage donation of preservation by landowners and suggest mitigation opportunities. A rehabilitation or restoration program for altered wetlands must be part of the plan.

After the effective date of the act, no regulated activity within a freshwater wetland may be undertaken until a permit is obtained from the state agency designated to oversee wetlands. The legislation outlines under what circumstances a permit could be granted or denied and what criteria must be used in making the decision. Requirements for applications, public hearings, the appeals process, and penalties for violations are stated in the bill. Under this legislation, general permits would be issued for normal farming activities, normal silviculture activities, routine highway and road maintenance, duck blinds, maintenance of permitted structures or structures already on the property before the effective date of the act if the structure does not adversely affect the wetlands.

The final section of the bill allows citizen to petition for enforcement action against violations.

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Solid Waste Policy and Management Act of 1991 (H.3096, Rep. Keyserling.) This is a re-introduction of the solid waste bill considered by the General Assembly last session. However, there are a number of key differences between this session's bill and S.1182, which came before the House late last session. The major difference between the two bills include:

- Deletion of the \$5 per ton tipping fee;
- Credit to the Solid Waste Management Trust Fund of the entire disposal fee charged on lead-acid batteries and white goods;
- DHEC may review local solid waste management plans, but would not have approval authority;
- Voluntary taxpayer contributions to the trust fund would be allowed on income tax forms.

Highlights of the provisions of this legislation include:

- Establishes a statewide goal of 30 percent of the solid waste being disposed of in municipal solid waste landfills not later than six years after the date of enactment.
- Not more than one-half of the waste reduction goal may be achieved by removal from the solid waste stream of yard trash, white goods, and similar waste problems.
- Sets a state goal of recycling 25 percent of the solid waste generated not later than six years after the date of enactment.
- Sets the policy that local governments should make every effort to achieve the statewide recycling and reduction goals and sets forth a method for determining whether a county has met the 30 percent reduction goal. Each county or region and the cities within them would be financially rewarded by the state if they meet the reduction goals.
- Eighteen months after the bill is enacted, DHEC would submit to the governor and the General Assembly a comprehensive state solid waste management plan. Thereafter the department would submit annual reports describing what progress is made.
- Establishment of a 22-member Solid Waste Advisory Council to advise DHEC on the preparation of the state solid waste management plan and preparation of the annual reports
- Creation of a 16-member Recycling Market Development Council within the State Development Board. This board would assist in identifying and developing markets for recycled materials. Make-up of the board is described in the bill. Fifteen months after the bill is enacted, the council would have to submit a comprehensive recycling report with annual reports required thereafter.
- Establishes the requirement for counties, regions (groups of counties), in cooperation with municipalities, to submit local solid waste management plans to the governor and General Assembly. One provision must be that the plan provide for a source separation and recycling program. The plans also must

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- be designed to achieve the statewide goal on solid waste reduction. Local governments could establish higher goals if they wish. DHEC could also modify a statewide goal for a particular local government for good cause.
- Strongly encouraging counties to pursue and submit regional plans, but does not require them to do so.
 - Does not prohibit municipalities from continuing to operate existing solid waste management facilities or from providing solid waste service in their jurisdiction.
 - Counties would not be held responsible for the operation, closure or post closure of any solid waste management facility privately owned and operated.
 - Imposition of a \$10 per ton fee for out-of-state waste unless the other state has a higher fee. All these fees would be deposited in the Solid Waste Management Trust Fund.
 - Requires operators of solid waste facilities to install scales to weigh the solid waste received or to demonstrate financial hardship for not doing so.
 - Establishes a local Solid Waste Advisory Council for each county or region to advise on the preparation and implementation of a solid waste management plan.
 - Requires DHEC to promulgate within one year of enactment regulations for counties and municipalities to use in calculating the full cost of the solid waste services they provide.
 - Establishes within DHEC the Office of Solid Waste Reduction and Recycling within 90 days of enactment. Among the office's duties would be the receiving and disbursing of funds from the Solid Waste Management Trust Fund, managing the grant program, promoting private and public waste reduction, educating the public and solid waste professionals on this issue.
 - Establishes the Solid Waste Management Trust Fund, composed of appropriated funds, federal, private and taxpayer contributions (including an income tax check-off), \$5 million in oil overcharge funds, \$2 per new tire sold fee, \$2 per new lead-acid battery fee, \$2 per white good fee and funds raised by fees imposed on motor oil. The funds primarily will be used to fund DHEC operations in implementing the law and assisting local governments.
 - Establish a Solid Waste Grant program from trust fund monies to assist local governments in carrying out the provisions of this bill.
 - All branches of state government, all state agencies, all public colleges and universities must establish source separation and recycling plans within 12 months after DHEC submits the statewide plan. Provisions also are included to encourage state agencies to purchase recycled materials.

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- This bill would prohibit:
 - Beverage containers with detachable metal rings or tabs -- six months after enactment;
 - Products packed in a container or packing material manufactured with CFC's -- one year after enactment;
 - Plastic bags for consumer purchases unless the bags are recyclable -- one year after enactment;
 - Plastic ringer carriers unless they are recyclable -- one year after enactment.
 - Polystyrene foam for products used in conjunction with food unless the packaging products are recyclable -- one year after enactment.
- One year after enactment, plastic bottle also would be prohibited unless marked with the resin type used to manufacture the bottle. Plastic containers of less than 16 ounces are exempted.
- Twelve months after enactment, no person would be able to dispose of used oil except by delivery to a used oil collection, recycling, or recovery facility or an authorized agent for delivery to one of these facilities. The State Highway Department would establish at least one collection center in every county. An 8 cents per gallon fee would be imposed on motor oil 90 days after enactment of the bill. These funds would be distributed to the Solid Waste Management Trust Fund.
- Eighteen months after enactment, waste tires may only be disposed at permitted waste tire collection centers or processing facilities, or at a permitted solid waste disposal facility. A \$2 per new tire fee would be imposed; \$1.50 of this fee would go to the counties based on population to the management of waste tires, and 50 cents would go to the Trust Fund to be placed in a Scrap Tire Waste Fund. Additionally, state and county solid waste management plans must include a section on waste tires.
- Twelve months after enactment, lead-acid batteries must be disposed of by returning them to a battery retailer or wholesaler, a recycling facility or a EPA-approved secondary lead smelter. Retailers of batteries must accept used batteries from their customers and battery wholesalers must accept used batteries from retailers. A \$2 per lead-acid battery sold fee would be imposed, with the funds going to the Solid Waste Management Trust Fund. State agencies would be required to procure recycled lead acid batteries whenever practicable.
- Twelve months after enactment, DHEC would promulgate regulations on the proper disposal of yard trash. Fifteen months after enactment, it would be unlawful to send yard trash or land clearing debris to a municipal landfill, and no landfill could accept this waste unless it has a composting

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- facility.
- Fifteen months after enactment, DHEC would promulgate regulations regarding disposal of white goods (appliances). Three years after enactment, it would be unlawful to send white goods to a municipal landfill or for the landfill to accept it. A \$2 per white good fee would be imposed with funds going to the Trust Fund.
 - Five year after enactment, DHEC would determine whether newspaper are being recycled at a rate of less than 35 percent. If the rate is less than 35 percent, DHEC would make recommendations regarding incentives and/or penalties.
 - DHEC would have the authority to issue, deny, revoke and modify permits registrations or orders for solid waste management facilities in order to protect human health and safety and the environment.
 - DHEC permits would be required to build or operate a solid waste management facility. These facilities would also comply with local zoning or land use ordinances.
 - The bill also sets minimum requirements for municipal solid waste landfills, solid waste incinerators, ash management, the and transfer and storage of solid waste. Fine and penalties for non-compliance would be established by DHEC.

Education and Public Works

School Children and Residency (H.3011, Rep. Kirsh). Under this legislation, current laws which allow children who own property in a school district to attend school in that district would be eliminated. If this bill is enacted, school children could attend public schools only in the districts in which they reside. This legislation has been considered in previous sessions.

Auxiliary School Services (H.3082, Rep. Manly). School districts would be allowed to contract with private vendors or individuals to provide auxiliary school services such as food service, transportation, maintenance, landscaping or janitorial service, under this legislation. For purposes of insurance, these vendors would be considered private contractors.

Corporal Punishment (H.3084, Rep. Rama). Corporal punishment in the public schools would be prohibited if this legislation is enacted. This prohibition does not include incidental, minor or reasonable physical contact to maintain order, to quell a disturbance or removal a student from the scene of a disturbance; or reasonable force to prevent a student from harming himself; acting in self defense or reasonable force to obtain

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possession of a weapon.

Public School Choice Act (H.3087, Rep. Jaskwhich). Under this legislation, students could choose to attend a public school outside their district. However, a school district could vote not to admit any nonresident students. Students who want to attend a school outside their district would make application; however, any transferring students would be responsible for their own transportation to and from school. The school board, upon deciding the district would take nonresident students, would adopt specific standards for the acceptance or rejection of nonresident students. The standards could not include the students academic, athletic or extracurricular abilities, whether they are handicapped or proficient in English or what their disciplinary records have been. Student transfers would be limited by the racial balance of the district. Transferring student would not be eligible for athletic competition for a year. This legislation would not require school districts to add teachers or classrooms in order to meet the provisions of this bill.

Vehicle Inspection (H.3092, Rep. Bruce). This legislation would repeal the state statutes requiring the inspection of vehicles.

Appointed State School Superintendent (H.3116, Rep. Wilkins). Under this legislation, the governor would appointed the state superintendent of education for a four year term to be coterminous with that of the governor. Any vacancy in the office also would be filed by appointment by the governor. A joint resolution, H.3112, has also been introduced to amend the constitution to allow this gubernatorial appointment. This legislation is pending before the House Judiciary Committee.

Highway Department Changes (H.3139, Rep. Clyborne). This legislation would abolish the Department of Highways and Public Transportation as a state agency, along with the position of executive director of the highway department. Instead, a Division of Highways and Public Transportation would be created under the Governor's Office. The governor would appoint the director of the highway division, with advice and consent of the state Senate, and the governor could remove the director at will. All the functions and duties of the current State Highway Department would be placed under the authority of the new Division of Highways and Public Transportation, except the law enforcement duties now carried out by the State Highway Patrol. These duties, instead, would be placed under the authority of the State Law Enforcement Division.

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All the duties and functions now carried out by the executive director of the State Highway Department would be placed under the authority of the proposed division director. The legislation would be effective July 1, 1992.

Minimum Teachers Salaries (H.3143, Rep. Beasley). Under this legislation, the State Department of Education would develop a minimum salary schedule which would include minimum salaries for teachers with zero to 30 years experience. The salary scale does not go beyond ____ years of experience.

State Highway Engineer and Secretary-Treasurer of the Department (H.3147, Rep. Altman). This legislation would allow the executive director of the State Highway Department to appoint the secretary-treasurer of the department with the approval of a majority of the Highway Commission. Currently, the secretary-treasurer, who is the chief fiscal officer of the department, is appointed by the commission. The bill would extend this selection method to the state highway engineer, who also currently is selected by the Highway Commission. In addition, the legislation would require the chief engineer to be a Professional Registered Engineer in the state of South Carolina.

No State-supported College Admissions Discrimination (H.3150, Rep. Manly) Under this legislation, all state-supported institutions of higher learning in South Carolina would have to admit students regardless of their sex, race, religion or national origin. The legislation states that these institutions should maintain admissions policies "which insure that post-secondary educational opportunities are not denied to anyone."

English Language Fluency (H.3181, Rep. Kirsh). This bill would require each public higher education institution in South Carolina to evaluate its instructional faculty for fluency in English in the classroom. Instructional faculty would mean every teaching faculty member, including graduate students, who teaches one or more undergraduate courses; however, visiting faculty are excepted as are foreign language courses. The institutions would have to certify the fluency of their faculty by September 1. Penalties would result in a \$10,000 fine for each course taught by an uncertified faculty member.

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Toll Roads (H.3194, Rep. Dick Elliott). The State Highway Department, with the approval of the Highway Commission, would be authorized to establish toll roads, highways and bridges by enactment of this legislation. The tolls would be used to pay for or reimburse the Highway Department for construction of the road, highway or bridge or to reduce the debt service. Once the road, bridge or highway was paid for, the toll would be lifted.

Judiciary

Criminal Libel and Slander (H.3004, Rep. Wilder). This legislation would repeal the state criminal libel and slander law. South Carolina is one of the few states in the nation still retaining its criminal libel and slander law.

Destroying Public Records (H.3005, Rep. Kirsh). The fine for removing, destroying or defacing public records would be increased by this legislation. The penalty would be increased from \$200 to \$1,000 under this bill.

Public Officials and Public Employees (H.3009, Rep. Kirsh). Members of the General Assembly would be prohibited from appearing before the state Public Service Commission, Dairy Commission or Insurance Commission in rate or price fixing matters, under this legislation. In addition, no public official or employee could represent clients for compensation before any board or agency for which the employee works. These prohibitions apply to the law partners of state legislators.

Blood Alcohol Level (H.3014, Rep. Kirsh). This legislation would lower the percentage of alcohol in the blood used to presume guilt in DUI situations. The level for not being under the influence would be lowered from the current .05 percent to .03 percent. Inconclusive results would be from .03 to .08 percent, down from the current .05 to 10 percent. Under the influence blood alcohol level would be lowered from the current 10 percent to .08 percent. The legislation allows for the decreases in blood alcohol levels to be phased in over time.

State Run Primaries (H.3042, Rep. Hayes). This legislation would authorize the State Election Commission and the respective county election commissions to conduct primary elections instead of political parties. The exception would be in municipal elections. The State Election Commission and the county election commissions would be responsible for preparing the

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primary election ballots. The legislation also stipulates the procedures to be followed in election protests.

Hazardous Weather Pay (H.3059, Rep. Whipper). This proposed constitutional amendment would allow the General Assembly to authorize extra pay for public officials and employees for working during state emergencies, including hazardous weather. This authorization also would extend to contractors hired to do work in connection with state emergencies.

Elimination of Legislative Ethics Committees (H.3063, Rep. Pat Harris). This legislation would give authority to oversee all ethics matters to the State Ethics Commission, including oversight over the General Assembly currently handled by their respective ethics committees. The House and Senate Ethics Committees would be abolished by this bill and the chairmen of the legislative ethics committees, or their designees would be made ex officio members of the State Ethics Commission. The commission also would handle ethics complaints made against any candidates, including legislative candidates.

Campaign Contributions (H.3066, Rep. Keegan). If this legislation is enacted, cash contributions to political candidate would be outlawed. Contributions could not be accepted made in the name of another person. Any anonymous contributions received would have to be returned to the donor, if his identity could be found, or turned over to the Children's Trust Fund in cases when the donor could not be discovered. The penalty for violating these provisions would be a felony. This legislation, like the previous bill, would give oversight authority on all ethical issues to the State Ethics Commission and would abolish the House and Senate Ethics Committees.

All campaign donation and expenditures, regardless of the amount, must be reported. Within 15 days of the election, individual contributions of \$500 or more must be reported on supplemental reports within 24 hours of receipt.

Presidential Primaries (H.3069, Rep. Farr). This legislation would authorize political parties to hold presidential preference primaries in South Carolina.

Spousal Sexual Battery (H.3071, Rep. Whipper). This legislation would create the offense of spousal sexual battery. Under this legislation, spousal sexual battery is defined as sexual battery through the use of aggravated force by one spouse against the other if they are living together. The battery must be reported to authorities within 45 days of the occurrence and a charge made in order for the spouse to be

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prosecuted for the offense. The legislation also eliminates the stipulation that a court-ordered separation is necessary before a person can be guilty of criminal sexual conduct against his legal spouse.

Pistol Waiting Period (H.3085, Rep. Keyserling). This legislation would require that pistol purchasers wait seven days before they receive delivery of their gun. The bill also increases the penalty for offenses involving weapons -- the fine is increased from \$2,000 to \$10,000 and the imprisonment from two years to ten years. Penalties for violating the unlawful carrying of pistols are also increased. Penalties for provisions under the purchasing of rifles and shotgun article are also increased the same amounts as the proposed penalties for pistol purchases.

Death With Dignity (H.3090, Rep. Keyserling). This legislation would make several changes in the state Death with Dignity Act by adding several provisions. Among these are changing the definition of "life sustaining procedures." Currently, nutrition and hydration are part of the definition of a life sustaining procedure. Under this bill, both these procedures would be removed from the definition, and the patient would be allowed to decide whether or not they would be treated as life sustaining procedures. If the patient fails to initiate a statement concerning feeding, then hydration and nutrition would not be considered life sustaining procedures. The bill would also add the definition of "permanent unconsciousness" to the statute and this term would be added to the Declaration of a Desire for a Natural Death. The declaration would also include new instructions concerning tube feeding (nutrition and hydration).

The legislation also would allow the patient to designate an agent to act in his or her behalf as part of the declaration. The agent would have the authority to petition the court for an order directing medical personnel to withhold treatment as the patient desires, as expressed in the declaration. The legislation also simplifies language in the declaration regarding procedures to revoke the declaration, and adds a new procedure which allows a declaration to be revoked if the patient signs a later declaration.

Drug Kingpins and the Death Penalty (H.3103, Rep. Waldrop). Under this legislation, being the principal organizer in an illegal drug trafficking operation, also known as a "drug kingpin," would be added to the list of aggravating circumstances in murder cases in which the prosecution may seek the death penalty.

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Limit Terms on State Commission (H.3108, Rep. Keyserling). This bill is aimed at limiting the consecutive terms a person may serve on a state board or commission, whether it is by election of the General Assembly or gubernatorial appointment. Under this legislation, the person would be limited to two successive full terms or 12 years, whichever is longer. The exception would be if the person is paid an annual salary. The person may return to the board or commission after an absence of two years. The limitation would not apply to lifetime members of the Clemson University board. This legislation would operate prospectively and would not take into account the time served by sitting commission and board members when the legislation takes effect.

Appointed State School Superintendent (H.3112, Rep. Wilkins). This is the joint resolution to amend the constitution to allow the governor to appoint the state superintendent of education. It also would change the composition of the State Board of Education to require the appointment of two board members from each congressional district and one from the state at-large. All would be appointed by the governor upon the advice and consent of the General Assembly. No member could serve more than two terms. Under the current method, the members are elected from the judicial circuits by their legislative delegations.

Gubernatorial Cabinet (H.3114, Rep. Wilkins). This joint resolution proposes amending the constitution to allow the governor to appoint all statewide officers, currently elected by the public. This would include the Secretary of State, Attorney General, State Treasurer, Superintendent of Education, Comptroller General, Commissioner of Agriculture and Adjutant General.

Shorter Legislative Sessions (H.3127, Rep. Wilkins). This joint resolution proposes changing the constitution to allow the General Assembly to hold shorter sessions. Under this joint resolution, the Legislature would convene on the second Tuesday in February each year, instead of the second Tuesday in January. The Senate would also be required to have an organizational session following Senate elections like the one currently required of the House of Representatives.

Legislative Adjournment and the Budget Process (H.3128, Rep. Wilkins). Under this proposed constitutional change, mandatory adjournment would be moved up one month to the first Thursday in May. In addition, this bill would change the times the state Board of Economic Advisors would issue their forecasts. The legislation proposed the initial forecast of economic conditions be made by October 15, not the current November 1, and that any adjustments to this forecast could be downward adjustments only. The bill also would authority the budget writing

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committees of the House and Senate to sit jointly to hold budget hearing, beginning on the second Tuesday in December. In addition, the bill would prohibit supplemental appropriations from being included in the General Appropriations Act.

"Leading a Narcotics Trafficking Network" and the Death Penalty (H.3129, Rep. Wilkins). Under this legislation, "leading a narcotics trafficking network" would be added to the list of aggravating circumstances for which the death penalty may be sought when a murder occurs. In addition, the legislation defines the leader of a narcotics trafficking network, establishes it as a felony, which would be punished by a life sentence, unless it falls under the aggravating circumstances for murder. If given a life sentence, the person convicted of this crime would not be eligible for parole or work release. The bill also provides for a fine of \$500,000 or five times the street value of the drugs involved.

Handicapped Jurors (H.3132, Rep. Baxley). Under this legislation, a blind, deaf or physically handicapped person could not be excluded from the jury list solely on the basis of his or her handicap. The juror could be disqualified from service on a jury if the court determines the handicapping condition would interfere with the jurors ability to comprehend the evidence. The bill also outlines the procedure to follow when an interpreter is provided for a deaf juror.

Violations Against the Flag (H.3144, Rep. Lanford). This legislation would revise the current law regarding violations against the U.S. flag, the Confederate flag and the state flag. Under this legislation, violations against the flag would pertain only to the U.S. flag or the South Carolina flag and would prohibit using these flags "in a manner that is likely to provoke or incite an imminent violent reaction."

Falsifying Public School Information (H.3169, Rep. Corning). If this bill is enacted, it would be a crime for a parent or guardian to falsify information to enroll a child in a public school which the child otherwise would not be eligible to attend, except for the falsification. This violation would be a misdemeanor carrying fines up to \$1,000.

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Ethics Reform Act (H.3193, Rep. Waites). This legislation is the results of the ad hoc committee on ethics, put together by Lt. Gov. Theodore, on which Rep. Waites and Barber served. The following are highlights of this lengthy bill provided by the Lieutenant Governor's Office. This legislation would:

Part I

Section 1

- Name the act the Ethics Reform Act of 1991.

Part II

Section 1

- Require reporting by candidates, committees, political parties and groups that spend money on behalf of candidate;
- Require campaign disclosure 30 days and 10 days prior to an election;
- Require the continued reporting of contributions of \$1,000 or more within 24 hours of receipt;

Section 2

- Prohibit cash contributions of over \$50. Permits certain fundraising activities that accept cash with the requirement that those activities that arise over \$100 be disclosed;
- Permit contributions only by individuals and political action committees. Prohibits banks, law firms, corporations, etc. from making political contributions;
- Limit contributions to \$1,000 from an individual and \$5,000 from a political action committee;
- Require campaigns to establish bank accounts and prohibit commingling of personal assets;
- Require that printed campaign material contain identification of the entity paying for its production;
- Prohibit contributions from registered lobbyists while the General Assembly is in session;
- Prohibit contributions from one campaign to another;
- Prohibit the personal use of exceptions, the use of campaign facilities and personnel for campaign purposes.

Part III

Section 2

- Transfer ethics authority over all public officials to the State Ethics Commission;

Section 3

- Significantly change the composition of the State Ethics Commission: 12 members from each congressional district who must be associated with different political parties. The chairmanship would be divided into two panels of six members each.

Section 4

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- Authorize the Ethics Commission to conduct investigations and with the concurrence of 3/4 of the membership may refer cases to the Attorney General for further action.
- Authorize individuals to request the commission to investigate the individual's own past conduct;

Sections 5 & 6

- Require states of economic interest;

Section 7

- Require disclosure of financial dealings with lobbyists;

Section 8

- Require members of the judiciary to file statements of economic interest with the chief justice of the State Supreme Court.

Part IV

Section 1

- Prohibit members of the General Assembly from appearing at public hearings of state boards and commissions;
- Prohibit members from voting on matters that would likely present a conflict of interest;

Section 2

- Prohibit public officials from accepting more than \$100 a year from a lobbyist;
- Prohibit former members of the General Assembly from lobbying the General Assembly for two years after leaving.

Section 3

- Require reporting of sources of personal finances including money receiving directly or indirectly from registered lobbyists.

Part V

Section 1

- Require lobbyists to register with the State Ethics Commission.

Section 2

- Require detailed reporting by lobbyists of their expenditures.

Section 3

- Prohibit lobbyists from delivering campaign contributions.

Part VI

Section 1

- Provide for ethics orientation and education.

Part VII

Section 1

- Eliminate per diem for members of the General Assembly and pay only for actual expenses incurred.

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Part VIII

Section 1

- Change the filing date for political primaries from April to July for certain offices and from March to June for others.

Section 3

- Change the dates of primary elections from June to September.

Part IX

Section 1

- Specifically includes sexual favors in the current bribery statute.

Part X

Section 1

- Prohibit legislators from serving on boards and commissions with the exception of the Budget and Control Board and the Advisory Commission on Intergovernmental Relations.

Part XI

Section 1

- Prohibit members of the General Assembly for accepting honoraria for speeches given in the state or to organizations that operate in the state.

Labor, Commerce and Industry

Insurance Break for Older Drivers (H.3015, Rep. Pat Harris). Drivers 55-years-old or older would be eligible for a reduction in their automobile insurance premiums upon the successful completion of a motor vehicle accident prevention course. The reduction would be effective for three years.

ABC Commissioners (H.3017, Rep. Kirsh). This legislation would prohibit members of the Alcoholic Beverage Control Commission from holding any other position of trust or profit while serving on commission. "A member of the commission shall devote his entire time to the duties of the office," the legislation states.

Fine Reduction for Lapses in Auto Insurance (H.3020, Rep. Kirsh). When the General Assembly passed the Automobile Reform Act in 1989, it required a fine of \$5 for each day the a driver drives without insurance coverage. The law set the maximum total per diem fine at \$200. This legislation would lower the per diem fine to \$1 per day and the total maximum fine at \$30. The bill also would require that per diem fines go to the reinsurance facility to be included in determining the recoupment fee.

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Currently, the fines go to the Highway Department to offset costs of administering the costs of the financial responsibility (insurance coverage) program.

Rental Car Agreements (H.3025, Rep. Kirsh). Under this legislation, care rental companies could not hold drivers liable for damage to any vehicle rented on a short term basis. Short term leases are defined as 30 continuous days or less. Exceptions to this would be if:

- the damage is intentionally caused;
- the driver is illegally under the influence;
- damage occurred during a race;
- information supplied by the driver was aimed at defrauding the rental company;
- the vehicle is used in the commission of a felony, including the transporting of contraband.
- the damage arises from use of the vehicle to transport persons or property for hire.
- the vehicle is brought outside of U.S. boundaries.

The legislation would also prohibit care rental employees from soliciting or selling any kind of insurance in connection with the rental agreement.

Locks and Fire Escapes (H.3041, Rep. Whipper). Under this legislation, landlords would be prohibited from installing security devices that would hinder the escape of the occupants in the case of fire.

New Development Board Member (H.3106, Rep. Keyserling). Under this legislation, an additional member would be added to the State Development Board, representing the cultural interests of the state. This member, which would bring the Development Board to 20 member, would be appointed by the government upon the recommendation of the Joint Legislative Committee on Cultural Affairs.

Real Estate Appraisers (H.3131, Rep. Clyborne). This bill would make it unlawful for any person to engage in real estate appraisal without first obtaining a license or certificate from the state. The legislation would create the S.C. Real Estate Appraisers Board, which would prepare the specifications for the licensing and certification examination.

To qualify as a state license real estate appraiser under this bill, the applicant must be 18, a resident of South Carolina, have a college degree or successfully complete at least 75 in-class hours in a board-approval real estate course. After meeting these requirements, the applicant must take and pass an examination administered by and approved by the board. To qualify as a state certified real estate appraiser the bill requires the applicant to be 18, a state resident, have a college degree or have successfully completed not less than 165 in-class hours in

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a real estate appraisal course approved by the board, have two years of full-time experience in appraising gained within five years of the application, take and pass the board-approved exam.

As a prerequisite for license or certification renewal, an appraiser must show evidence of having met the continuing education requirements. The basic continuing education requirement for renewal would require 10 in-class hours of instruction. Or the appraisers can satisfy these requirements by showing evidence of having taken the equivalent of the in-class instruction in other seminars or instructional courses, as approved by the board. Teaching these courses would also count toward the continuing education requirement. If a license is placed on inactive status, the appraiser must meet all the requirements as outlined here. This also is true of appraisers whose licenses are suspended. They must complete the continuing education requirements. Out of state appraisers can be licensed if they file an irrevocable consent that any delivery of process upon the applicant can be served upon the commissioner of the board. The out-of-state applicant must also submit his certificate from another state along with any records of disciplinary action. The commissioner would determine whether the instruction undertaken by the applicant out-of-state is the equivalent of the instructional requirements here.

The legislation also outlines what course must be followed during grievance procedures. It gives the board the power to issue cease and desist orders against any person doing appraisals without state license and certification. The provisions of this legislation would not apply to real estate appraisers employed by the state or federal government or any political subdivision. Nor to a real estate agent who in the course of normal business is asked his opinion as to the price of real estate for the purpose of selling or buying. Staff members who assist appraisers but do not render judgments also are not included.

Automatically Dialed Announcing Devices (H.3140, Rep. Rama). Under this legislation, Any automatically dialed announcing device, which delivers a recorded message without the assistance of a live operator for the purposes of unsolicited consumer calls, would be prohibited.

Banking Surpluses (H.3185, Rep. Kirsh). This bill would require every state bank, which is not a member of the Federal Reserve system, to maintain the same reserves against deposits as required of a state bank which is a member of the Federal Reserve system. These reserves must be maintained in vault cash, demand balances due from the district Federal Reserve Bank, or demand balances due from correspondent banks, or a combination of these.

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Medical, Military, Public and Municipal Affairs

Entering or Exiting a Medical Facility (H.3189, Rep. Keyserling). This legislation would prohibit a person, acting alone or with others, from preventing anyone from entering or exiting a medical facility. This would be a misdemeanor carrying up to \$1,000 in fines and/or a 90 day jail sentence.

Organ and Tissue Donations (H.3205, Rep. M.O. Alexander). This legislation would establish the procedures to be followed in organ and tissue donations. It directs hospitals to establish policies on these donations and that procurement agencies be responsible for the program related to their agency. It also states that hospital and procurement agencies cooperate in supporting organ and tissue donations. Medical records would document if the family of a potential donor was approached and if not, why not; if the approach was made and the response, and disposition of a referral to a procurement agency. The bill also states that the procurement agencies would pay all hospital and physician charges pertaining to organ and tissue donations and that the charges could not be made against the donor's estate.

Ways and Means

Repeal of the Local Option Sales Tax (H.3019, Rep. Kirsh) This legislation would repeal the Local Sales and Use Tax passed by the General Assembly last session.

State Bonds and School Construction (H.3023, Rep. Gentry) Under this legislation, the State Budget and Control Board would be authorized to issue and sell general obligation bonds to raise funds for public school construction and equipment. The bonds would be tax free.

Debt Limit for Political Subdivisions (H.3024, Rep. Kirsh). The general obligation debt limit for political subdivisions would be raised from the current 8 percent to 12 percents of the assessed value of taxable property, under this legislation.

Homestead Exemption Increase (H.3029, Rep. Pat Harris). The homestead exemption would increase from the first \$20,000 value to the first \$25,000 of fair market value if this legislation is enacted.

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Tax Credits for the Mentally Retarded (H.3032, Rep. Pat Harris). This legislation would allow the parents or legal guardians of severely mentally retarded children to receive a tax credit against the expenses for their care. The legislation specifies that the credit could be 25 percent of the care expenses up to \$1,000.

Zero-based Budgets (H.3033, Rep. Keegan). Under this legislation, the budget of 24 state agencies would systematically come up for review by a joint House-Senate committee every eight years. The agencies would have to present detailed analysis and justification of both recurring expenses and anticipated additional expenses. Agencies participating in the zero-based budget review would be the State Departments of Education; Mental Health; Mental Retardation; Corrections; Youth Services; Probation, Parole and Pardon Services; Social Services; Vocational Rehabilitation; Health and Environmental Control; Wildlife and Marine Resources; and Parks, Recreation and Tourism. Additional agencies include USC, Clemson, MUSC, the State TEC Board, Health and Human Services Finance Commission, Alcohol and Drug Abuse, the Forestry Commission, the Tax Commission, ETV, the Development Board, the Judicial Department, SLED and the Attorney General's Office.

Coroners' Raise (H.3037, Rep. Harvin). This legislation would provide an annual \$1,750 salary supplemental to all county coroners from the state. Increases in this state supplement would be linked to increases in the supplement paid to sheriffs.

More Homestead Exemption Increases (H.3060, Rep. Smith). This legislation would increase the homestead exemption from the first \$20,000 of fair market value to the first \$50,000.

Audits of Local Capital Improvement Projects (H.3061, Rep. Mattos). The state auditor would be required to audit the use of all state funds of \$20,000 or more appropriated for local capital improvement projects. The audits would review whether the funds were used for the purposes for which they were appropriated. If the audit determines the funds were not used for the stated purpose, the local authorities charged with implementing the project would reimburse the state plus interest from the date the misapplied funds were issued.

Tax Credits for Adult Care Programs (H.3062, Rep. Pat Harris). This legislation would add adult day care to the tax credit provision now available for businesses that initiate child care programs for their employees.

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Dangerous Dog Tax (H.3099, Rep. Kirsh). This legislation would impose an annual privilege tax of \$100 upon every owner of a dangerous dog. The tax would be collected by the county with half of the proceeds going to the county and half going to the state. It also raises the penalties for first offense violation of the state dangerous dog act from the current \$200 and 30 days to \$5,000 and 2 years imprisonment. Further, the legislation specifies that the owner of a dangerous dog would be "strictly liable" in civil damages for injuries or property damage the dog inflicts on a person, property or another animal.

Coin Operated Devices (H.3104, Rep. Hodges). This legislation makes several changes to the state laws now on the books regarding coin-operated devices. First the legislation would lift the maximum licenses increase municipalities could impose. The current law says municipalities cannot increase the amount charged as a license above 20 percent of the maximum amounts set previously. The legislation also adds to counties the provisions that states that municipalities cannot limit the number of machines within its boundaries.

The legislation also allows counties and municipalities by ordinance to impose an additional license tax on the premises where coin-operated devices are located. The provision sets the amount of the premise license cities and counties can impose. Under this legislation, the machines would be unlawful without the proposed premises license fee. If the premise license holder is convicted on gambling charges, the premises license would be revoked and possession of the machines made unlawful. Violation of these provisions would be a misdemeanor carrying up to \$1,000 in fines and/or not more than six months in jail.

Further, this legislation repeals the state statute that states that coin-operated nonpayout machines with free play features are not illegal provided that payout machines are not licensed or possessed.

S.C. Energy Resource and Management Development Authority (H.3155, Rep. Keyserling). This legislation would create the state Energy Resource and Management Development Agency, an independent state agency to be housed within the State Budget and Control Board. The main purpose of this new agency would be to undertake aggressive programs designed to reduce energy use in state buildings and local school facilities in order to lower the operating costs of government and to set an example of energy efficiency for the public. The agency also would be authorized to employ practicable private sector management incentive principles in implementing the energy-saving goals of this legislation.

Some of the energy conservation activities the agency could undertake to reduce energy consumption or allow alternative energy sources include the installment of insulation, storm windows and doors, energy control systems, solar heating, heat recovery systems and replacement of boilers and incandescent lights.

The authority would have the power to contract with other state agencies and school boards to undertake energy conservation methods;

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however, the authority could not require the state agencies or schools to enter into an agreement with it. Neither would the authority fall under the provisions of the state Procurement Code.

Further, the bill would require all state agencies and school districts to file annual energy consumption reports. If a contractual agreement is entered into between the authority and the state agency then a separate line item in the agency's budget must be established for repayment of the energy conservation project contracted for with the authority.

Retiree Deduction (H.3187, Rep. Kirsh). This legislation would eliminate the \$3,000 state income tax deduction allowed all state, federal, military and local government retirees and retirees receiving income from one or more qualified pension plans.

Homestead Exemption Increase (H.3192, Rep. Waldrop). If this legislation is enacted, the state Homestead Exemption would be increased from the first \$20,000 of fair market value to the first \$30,000.

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Prefiled Senate Ethics Legislation

With ethics and campaign disclosure among the major issues of the new session, the following are brief summaries of the ethics bills filed by the Senate this fall during its prefiling period. The legislation is arranged in chronological order according to bill number.

Penalty Increase (S.3, Sen. Wilson). This bill would increase the fines for any person who fails to file a required statement of economic interest or who files after the deadline. Under this legislation, the fine would increase from the current \$50 to \$100 if not filed within 10 days of the deadline. Additionally, a \$20 per day fine -- increased from \$10 a day -- would be imposed for each additional calendar day the form is not filed. A total of \$500 in fines could be imposed.

Ethics Investigations (S.4, Sen. Wilson) This legislation outlines the process which the State Ethics Commission would follow in investigating a complaint made. This would include determining the sufficiency of the complaint and rendering an advisory opinion to the respondent if appropriate, or conducting a formal hearing. The bill would require hearings to take place no less than 30 days after the determination of probable cause or if the respondent fails to comply with the advisory opinion. A respondent would have all the due process rights including the right to counsel, to see all evidence, to question witnesses, etc. All hearings would be in executive session.

Campaign Reporting (S.5, Sen. Wilson). Under this bill, the requirements for reporting campaign contributions and expenditures for candidates would be strengthened by expanding the definition of "candidate" and by requiring pre-election reporting. The definition of candidate would be expanded to include anyone who files for office, or announces his candidacy, or who permits money to be taken or spent in connection with his campaign. The bill stipulates what contributions would be required to be reported and how the reporting should be done.

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It also requires establishment of a bank account, prohibits the use of government owned materials and other requirements for campaign literature.

It also would require filing of contributions and expenditures before each election (excluding primary election run-offs) as opposed to the current requirement of 30 days following an election. Surplus campaign funds also are addressed in this legislation.

Cash Contributions (S.28, Sen. Courson). This legislation would prohibit the acceptance of cash contributions by candidates for public office or their campaigns either directly or indirectly. Checks must be made payable to the candidate or campaign and endorsed by the donor. No contributions could be made by a person in the name of another person. Anonymous contributions must be returned except in the event where the identity of the contributor cannot be determined and then the money must be given to charity. Violations of these provisions would be a felony. This bill also prohibits public officials from directly or indirectly soliciting or accepting honorariums. Violation of this provision also would be a felony.

State Ethics Commission (S.41, Sen. Passailaigue). This bill would restructure the make up of the State Ethics Commission, decreasing its membership from six to five with two, instead of one, gubernatorial appointments. The other appointments would be made by the House Speaker, Senate president pro tempore and the Chief Justice of the S.C. Supreme Court. All would be at-large appointments, with selection from congressional districts eliminated. The bill further prohibits any commission members from being involved in partisan political activities or from being appointed to the commission within four years of being a candidate or involved in a campaign.

In addition, the legislation prohibits any former state employee from soliciting or accepting employment with a business that deals directly with the agency that the employee was employed with for a certain time period. Former public officials could not become lobbyists for a certain time, and a state employee could not receive anything of value from a business which the employee's agency regulates.

Also prohibited would be the acceptance of cash contributions, the acceptance and solicitation of campaign funds while the legislature is in session, and the offering of anything of value to a public official to induce him to switch parties.

Public officials or employees convicted of a felony would lose their state employee pension benefits.

Surplus Funds (S.42, Sen. Passailaigue). This legislation would limit the use of surplus campaign funds to expenditures directly related to a political, legislative or government purpose.

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The bill would require that any surplus campaign funds would be distributed to a charitable tax exempt organization. No surplus funds may be used to finance future campaigns other than a campaign for reelection.

Legislative Ethics Committees (S.45, Sen. Passailaigue). Under this bill, the House and Senate Ethics Committees would be abolished with their powers relinquished to the State Ethics Commission. The legislation also requires the filing of economic interest forms by all public officials before they may take the oath of office (if they are a member of the General Assembly, appointed or elected public official, or state employee) or before they are approved by either body of the General Assembly, in those positions elected by the Legislature.

Ethics Committee Membership (S.80, Sen. Rose). Under this legislation, the ethics committees of the House and Senate would be required to have an equal number of members from the two political parties having the largest number of members in the respective legislative body.

State Ethics Commission (S.102, Sen. Martschink). All candidates for public office, including the General Assembly, would fall under the authority of the State Ethics Commission, under this bill. Complaints about ethics violations would be filed with the commission. Complaints filed 50 days before an election would not be accepted, under this legislation. Those filed in the appropriate time frame would have to be disposed of not less than 40 days before the election, unless the candidate qualifies within 50 days of an election. No elected public official could take the oath of office before filing a statement of economic interest. Gifts valued over \$100 from lobbyists or purchases made by lobbyists of over \$200 must be reported. The bill also would abolish the House and Senate Ethics Committees.

Public Agency Lobbying (S.153, Sen. Martschink). This legislation prohibits the use of public funds by a state agency to employ a lobbyist. Exceptions are provide to the General Assembly, the governor, Supreme Court, Budget and Control Board or Tax Commission.

Governing Boards (S.185, Sen. Martschink). No members of the General Assembly could sit on the governing board of a state agency, under this legislation. Exceptions would made for the lifetime members of the Clemson board. The prohibition would go into effect until the expiration of current terms.

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Disqualification from Voting (S.197, Martschink) The presiding officers of the House and Senate would be required to excuse members from voting on issues in which a member has a potential conflict of interest. The reason for the excusal from voting must be noted in the journal.

Appearances before State Boards (S.199, Sen. Martschink). Under this legislation, public officials would be prohibited from appearing before the S.C. Public Service Commission, the S.C. Dairy Commission, or the S.C. Insurance Commission in a rate or price fixing matter. Any public official who appears before any agency, department, board or commission of the state, or before a county, municipality, or other political subdivision of the state would be required to report the appearance to the State Ethics Commission in addition to the report of economic interest.

Lobbyist Contributions (S.225, Sen. Rose). Under this legislation, members of the General Assembly would be prohibited from soliciting, accepting or receiving contributions from a registered lobbyist or any entity represented by a lobbyist during the time when the Legislature is in session.

Legislative Conferences (S.233, Sen. Rose). This bill would prohibit legislators from attending conferences for legislators at the expense of the state if they fail to file for reelection or lose the primary or runoff elections. They still would be able to attend the conference at their own expense, under this legislation.

Lobbying by Former Public Officials (S.243, Sen. Courson). Public officials holding elected, appointed or ex officio offices, would be prohibited from lobbying any state entity for four years after leaving office. This would become effective for all officials those terms begin on or after Nov. 3, 1992.

State Boards and Legislators (S.252, Sen. Rose). This legislation would prohibit members of the General Assembly from serving on the governing boards of state agencies, commissions, colleges or universities.

Abolish Legislative Ethics Committees (S.277, Sen. Martschink). This bill would abolish the House and Senate Ethics Committees which oversee the state legislators.

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Ethics Commission (S.278, Sen. Martschink). This legislation mirrors S.102, also sponsored by Sen. Martschink. The primary difference between the two bills is that S.278 would not abolish the House and Senate Ethics Committees. Otherwise, the bills are the same: All candidates for public office, including the General Assembly, would fall under the authority of the State Ethics Commission. Complaints about ethics violations would be filed with the commission. Complaints filed 50 days before an election would not be accepted, under this legislation. Those filed in the appropriate time frame would have to be disposed of not less than 40 days before the election, unless the candidate qualifies within 50 days of an election. No elected public official could take the oath of office before filing a statement of economic interest. Gifts valued over \$100 from lobbyists or purchases made by lobbyists of over \$200 must be reported.

Legislative Conferences (S.299, Sen. Rose). This bill would require legislators to attest that they attended a majority of the sessions of a legislative conference in order to receive reimbursement from the state. In the event that the legislator receives reimbursement after not attending a majority of the sessions, he would be required to pay back the state reimbursement plus 20 percent interest.

Transfer of Federal Campaign Money (S.303, Sen. Passailaigue). This legislation would prohibit the transferring of money from the campaign fund of a federal elected official to the campaign coffers of a state or local candidate or to the campaign funds of any national, state or local political party. Any excess campaign money collected by federal officials for their campaign could not be used for personal use, and would have to be used to carry out his or her responsibility as a federal office holder.

Documented Verification (S.306, Sen. Rose). Legislators would have to submit documented verification of the expenses incurred at legislative conferences, including an affidavit from the legislator attesting that the expenses were actually incurred at the conference in question. No reimbursement for the expenses could occur until the documentation has been submitted.

Income Reporting (S.307, Sen. Rose). This legislation would expand the annual income reporting requirements of members of the General Assembly. Legislators would be required to annually report on their Statements of Economic Interest the sources of all income in excess of \$100 in value, not including income from the state. Also required would be the interest in property held in a trade or business, for investment or for the production of income. This requirement would not include deposits in personal savings accounts amounting to less than \$10,000.

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Poker Money (S.308, Sen. Rose). Under this legislation, a legislator would be required to disclose anything of value, including the exact amount of cash, obtained from a registered lobbyist in a game of chance. The report would be made in the same way that campaign disclosures are reported.

Inducements for Candidates (S.323, Sen. Rose). This legislation would prohibit the offering of anything of value to a person to induce them to run for public office or to decide against running for public office, including the withdrawal of his or her candidacy. The bill would not prohibit campaign contributions or contributions to reimburse a candidate for filing fees. However, all contributors must be reported in accordance with all filing requirements.

Standards for Public Officials (S.315, Sen. Williams). This comprehensive ethics legislation encompasses amendments to the ethics laws and lobbying regulations. The 105-page bill contains many of the provisions outlined in other Senate ethics bills. Among the provisions for lobbying and lobbyists:

- Defines who is a "lobbyist" and requires the registration of lobbyists with the Secretary of State's Office. Registration fee would be \$50 per year and would require certain information to be filed with the registration regarding the subject matter of interest to the lobbyist.
- Requires records to be kept by the lobbyist containing information regarding income paid to the lobbyist and his or her total expenditures of the lobbyist. The lobbyist's principals must also register with the Secretary of State, pay the \$50 fee and maintain records regarding who lobbied for them and the total expenditures paid for lobbying.
- Requires annual lobbying reports containing information on who lobbied, who they lobbied for and who paid them to lobby, specifically what legislation they were interested in, totals of all expenditures segregated by amounts spent on rent, utilities, office expenses, support staff and supplies. Statements must be filed regarding any money loaned to any legislator or statewide elected official or any business association between a lobbyist and a legislator or statewide elected official. Similar reports must also be made by the lobbyist's principal.
- Requires state agencies to file annual reports, as outlined above, regarding the activities of their own lobbyists.

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- Charges the Attorney General with the responsibility of reviewing the records kept by the Secretary of State to ensure that lobbyists comply with the reporting laws and to investigate any complaints.
- Prohibits lobbyist or their sponsors from providing legislation, elected officials or state agency official with lodging, transportation, entertainment, food, meals, beverages or money. Nor could legislators, state agency officials or statewide elected officials solicit any of these items from a lobbyist. However, these items would not be prohibited if given as "emergency assistance given gratuitously and in good faith." Nor would these items be prohibited if they are offered to the public on the same terms or at the same expense.
- Prohibits lobbyists from hosting fund raisers "if the expenditure would not have been made except but for the purpose of lobbying."
- Violations of the above provisions would be a misdemeanor carrying a \$1,000 fine and/or 90 days in jail. In addition, any lobbyist convicted with be barred from lobbying for 3 years. The same penalties hold true for violations by legislators, statewide elected officials or state agency officials.

Provisions under the proposed South Carolina Campaign Finance Act include:

- restrictions on the amount of donations that can be made to candidates from individuals or political committees. These restrictions do not apply to political parties or legislative caucuses. Amounts are restricted to contributions aggregating more than \$1,000 in the case of a statewide office; \$500 in the case of a state senate office; \$250 in the case of a House seat; \$500 in the case of a multi-county office; \$250 in a municipal or county-wide election.
- Individuals could not contribute more than \$7,500 to candidates in an election cycle. However, this restriction would not apply to political parties, legislative caucuses or political action committees.
- Political action committees would be restricted to total candidate contributions of \$25,000 in a single election cycle. Legislative caucuses and political committees contributions would be limited to \$1,000.
- Candidates could not accept contributions from political parties or legislative caucuses totaling more than \$50,000 in statewide races; \$10,000 in state Senate races; \$5,000 in House races; \$10,000 in multi-county races and \$5,000 in municipal or county-wide races.

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- A candidate's committee could not accept contributions from "nonindividuals" totaling more than \$200,000 in a statewide race; \$50,000 in a state Senate race; \$20,000 in a House race; \$50,000 in a multi-county race; \$20,000 in a municipal or county-wide election.
- A candidate's committee would be prohibited from making a contribution to another candidate. However, a candidate could make a contribution from his personal funds.
- Cash contributions of over \$100 would be prohibited. All other contributions, except in-kind contributions, would be made by check.
- Legislative candidates and their committee could not solicit or receive contributions during the legislative session.
- Law enforcement officers in uniform would be prohibited from soliciting any type of campaign contribution. This prohibition also would extend to judges, magistrates, judicial candidates, among others.
- Surplus campaign funds could be returned to contributors, or turned over to the general fund of the state, or turned over to a charity, legislative caucus or political party (in the case of partisan campaigns).